

REMARKS

Claims 1-82 are pending in the application. Claims 1-64, 66-76, and 79-82 are withdrawn from consideration as being directed to non-elected inventions. Claims 83-95 are newly added. In the non-final Office Action of July 26, 2005, the Examiner made the following disposition:

- A.) Commented on election of claims.
- B.) Objected to claims 77 and 78 for informalities.
- C.) Rejected claims 65, 77, and 78 under 35 U.S.C. §102(e) as allegedly being anticipated by *Takeya (US 2002/0064195)*.

Applicants respectfully traverse the rejection and address the Examiner's disposition below.

A.) Comment on election of claims:

In Applicants' Response to Restriction Requirement dated 5/9/2005, Applicants elected the claims corresponding to Invention I, Species 19 (*See, Restriction Requirement dated 3/9/2005*). Applicants identified that the elected claims include claims 65, 77, and 78.

However, Applicants believe that claim 66 should also be included in the elected species. Claim 66 (which depends from claim 65) claims similar subject matter to that of claim 78 (which depends from claim 77).

Thus, Applicants elect claim 66 to be included in claims under consideration and respectfully request that the status of claim 66 be changed from "withdrawn" to "under consideration." Accordingly, claims 65, 66, 77, and 78 are elected.

B.) Objection to claims 77 and 78 for informalities:

Claim 77 has been amended as per the Examiner's request to overcome the objection.

Claim 78 depends directly or indirectly from claim 77 and is therefore allowable for at least the same reasons that claim 77 is allowable.

Applicants submit the objection has been overcome and request that it be withdrawn.

C.) Rejection of claims 65, 77, and 78 under 35 U.S.C. §102(e) as allegedly being anticipated by Takeya (US 2002/0064195):

Applicants respectfully traverse the rejection.

Independent claims 65 and 77, each as amended, each claim a substrate that includes a plurality of second regions that are aligned regularly in a first region made of a crystal. The second regions have a second average dislocation density that is higher than a first average dislocation density of the first region. At least one of the second regions has a c-axis that is inverted relative to the first region.

This is clearly unlike *Takeya*, which fails to disclose or suggest a second region that has a c-axis that is inverted relative to a first region in which the second region is located. Referring to *Takeya* Figure 1, *Takeya* discloses growing an n-side contact layer 13 from seed crystals 12 that are positioned on a substrate 11. *Takeya*'s n-side contact layer 13 includes penetrative dislocations M₁ and M₂. (*See, Takeya* Figure 5). Unlike Applicants' claimed invention, nowhere does *Takeya* disclose or suggest that its penetrative dislocations have a c-axis that is inverted relative to the region surrounding the penetrative dislocations. In fact, *Takeya* fails to even discuss axis alignments, let alone the relative c-axis alignments of different regions.

Therefore, *Takeya* fails to disclose or suggest claims 65 and 77.

Claim 78 depends directly or indirectly from claim 77 and is therefore allowable for at least the same reasons that claim 77 is allowable.

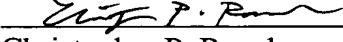
Applicants respectfully submit the rejection has been overcome and request that it be withdrawn.

CONCLUSION

In view of the foregoing, it is submitted that claims 65, 66, 77, 78, and 83-95 are patentable. It is therefore submitted that the application is in condition for allowance. Notice to that effect is respectfully requested.

Applicants submit herewith an information disclosure statement that includes *Motoki, et al.* U.S. Patent No. 6,667,184 ("Motoki"). Applicants note that *Motoki* was filed on 9/19/2002. The present application is a continuation of PCT Application No. PCT/JP02/10323 and claims priority to PCT/JP02/10323, filed 10/3/2002, and to Japanese Application No. P2001-315703, filed 10/12/2001. Thus, the present application has an effective filing date of 10/12/2001, which is earlier than *Motoki*'s filing date of 9/19/2002. Accordingly, *Motoki* could not be a valid prior art reference under 35 U.S.C. §102. Applicants will submit a certified translation of Japanese priority Application No. P2001-315703.

Respectfully submitted,

(Reg. No. 45,034)
Christopher P. Rauch
SONNENSCHEIN, NATH & ROSENTHAL LLP
P.O. Box #061080
Wacker Drive Station - Sears Tower
Chicago, IL 60606-1080
Telephone 312/876-2606
Customer #26263
Attorneys for Applicant(s)

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I hereby certify that this correspondence is being deposited as First Class Mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on January 25, 2006.

Christopher P. Rauch (Reg. No. 45,034)
Christopher P. Rauch